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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,216	05/03/2006	Kevin R. Lynch	198P00944USWO 7580	
	7590 01/15/2008	EXAMINER		
IPLM GROUP, P.A. POST OFFICE BOX 18455			YOUNG, SHAWQUIA	
MINNEAPOLIS, MN 55418			ART UNIT	PAPER NUMBER
			1626	
			MAIL DATE	DELIVERY MODE
			01/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Summany	10/578,216	LYNCH ET AL.				
Office Action Summary	Examiner	Art Unit				
	Shawquia Young	1626				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period was realized to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be to the second will expire SIX (6) MONTHS from the second ABANDON to the second to the secon	DN. imely filed m the mailing date of this communication. IED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 30 N	Responsive to communication(s) filed on <u>30 November 2007</u> .					
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>11-16,18,22-33,35 and 50-55</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>11-16,18,22-33,35 and 50-55</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	er.					
10)⊠ The drawing(s) filed on <u>03 May 2006</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	kaminer. Note the attached Office	ce Action or form P10-152.				
Priority under 35 U.S.C. § 119						
a) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document		(a)-(d) or (f).				
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Burea	u (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	□	(DTO 442)				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summa Paper No(s)/Mail					
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>See Continuation Sheet</u> .	5) Notice of Informa 6) Other:	al Patent Application				

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/6/06, 11/30/07, 12/3/07 and 12/5/07.

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DETAILED ACTION

Claims 11-16, 18, 22-33, 35 and 50-55 are currently pending in the instant application. Applicants have cancelled claims 1-10, 17, 19, 20, 21, 34 and 36-49 and added new claims 50-55 in amendment filed on November 30, 2007.

I. Priority

The instant application is a 371 of PCT/US04/36563, filed on November 3, 2004 and claims benefit of US Provisional Application 60/516,887, filed on November 3, 2003.

II. Information Disclosure Statement

The information disclosure statements (IDS) submitted on October 6, 2006, November 30, 2007, December 3, 2007 and December 5, 2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

III. Restriction/Election

A. Election: Applicant's Response

Applicants' election without traverse of Group I in the reply filed on November 30, 2007 is acknowledged.

Subject matter not encompassed by elected Group I are withdrawn from further consideration pursuant to 37 CFR 1.142 (b), as being drawn to nonelected inventions.

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IV. Rejections

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-16, 18, 22-33, 35 and 50-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the phrase "having the formula" or "has the formula" renders the products indefinite as the phrase "having the formula" or "has the formula" can be considered open-ended language when not clearly defined and therefore is including additional subject matter in the compounds of the formula represented in the instant claims that is not described in the instant specification and is not particularly pointed out or distinctly claimed. A claim to a chemical compound cannot be open-ended, but must be claimed with precision. This rejection can be overcome by amending the phrase "having the formula" or "has the formula" to read "of the formula" in claims 11-16, 18, 22-33, 35 and 50-55.

V. Objections

Claim Objection-Non Elected Subject Matter

Claims 11-16, 18, 22-33, 35 and 50-55 are objected to as containing non-elected subject matter. To overcome this objection, Applicant should submit an amendment deleting the non-elected subject matter.

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VI. Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 6:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M[©]Kane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Shawquia Young Patent Examiner

Art Unit 1626, Group 1620 Technology Center 1600 REMINANCE VANELINGS

Kemala Sazed, Ph.D.

Kamal Saeed

Primary Patent Examiner Art Unit 1626, Group 1620 Technology Center 1600